

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

.....  
CORDIUS TRUST,

Plaintiff,

v.

C.A. NO. 05-10759-WGY

DONALD D. KUMMERFELD,

Defendant.  
.....

**DEFENDANT’S ASSENTED-TO MOTION FOR LEAVE TO FILE REPLY**

Defendant Donald D. Kummerfeld (“Mr. Kummerfeld”) respectfully requests leave to file a short reply to the opposition of plaintiff Cordius Trust (“Cordius”) to Mr. Kummerfeld’s motion to stay proceedings in this action. As the Court is aware, Mr. Kummerfeld is seeking to prevent the imminent auction of his house. Cordius – which seeks to sell the house in order to satisfy a judgment from the Southern District of New York that is under appeal – has opposed Mr. Kummerfeld’s motion. Mr. Kummerfeld believes that a brief reply and supporting declaration, addressing issues of fact and law raised in Cordius’ opposition, will assist the Court in deciding the motion.

WHEREFORE, the Court should allow Mr. Kummerfeld to file the reply and declaration.

Respectfully submitted,

DONALD D. KUMMERFELD,  
By his attorneys,

/s/ Jeffrey S. Follett  
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Dated: April 22, 2005

Assent:

CORDIUS TRUST

By Its Attorneys,

/s/ Bradford S. Babbitt (by permission /s/ Jeffrey S. Follett)

Bradford S. Babbitt, BBO # 566390

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### **CERTIFICATE OF CONFERENCE**

Pursuant to L.R. 7.1(2), I certify that I telephoned counsel for the Plaintiff on April 18, 2005 concerning this motion and that counsel assented to this motion.

/s/ Jeffrey S. Follett

Jeffrey S. Follett